United Nations CRC/C/DNK/CO/5

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the fifth periodic report of Denmark*

I. Introduction

1. The Committee considered the fifth periodic report of Denmark (CRC/C/DNK/5) at its 2230th and 2231st meetings (see CRC/C/SR.2230 and 2231), held on 15 September, and adopted the present concluding observations at its 2251st meeting, held on 29 September 2017.

2. The Committee welcomes the submission of the fifth periodic report of the State party and the written replies to the list of issues (CRC/C/DNK/Q/5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification of the Optional Protocol to the Convention on a communications procedure, and the withdrawal of the declaration made upon ratification, regarding territorial exclusion in respect of the Faroe Islands and Greenland, of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography. The Committee also notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the amendment to the Administration of Justice Act, which expands the use of video interviews for children in court proceedings; the amendment to the Child Welfare Act of 2014, which ensures that the child welfare administration is obliged to hear the views of the child in child welfare cases; the amendment of the Criminal Code, which raises the sentencing levels for rape and for sexual activity with a child below the age of consent when use is made of physical or psychological superiority, as well as the initiatives launched on 10 December 2016 and on 1 February 2017 (see CRC/C/DNK/Q/5/Add.1, paras. 69-70) and the National Strategy against Honour-related Conflicts of 2012; the establishment of the National Cybercrime Centre in 2014; the National Strategy and Action Plan to Combat Violence 2014-2017 (Greenland); and the National Plan to Prevent Violence in Relationships and Close Relations of 2011 (Faroe Islands).

* Adopted by the Committee at its seventy-sixth session (11-29 September 2017).

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III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: sexual abuse and exploitation (para. 21); children deprived of a family environment (para. 27); children with disabilities (para. 29); standard of living (para. 35); asylum-seeking children (para. 40); and unaccompanied children (para. 42).

A. General measures of implementation (arts. 4, 42 and 44 (6))

Reservations

5. In the light of the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993 (A/CONF.157/23), the Committee reiterates its previous recommendations (see CRC/C/DNK/CO/4, para. 9) and recommends that the State party consider withdrawing the reservation made to article 40 (2) (b) of the Convention.

Status of the Convention

6. The Committee recommends that the State party take measures to explicitly and fully incorporate all provisions of the Convention and its Optional Protocols into its national legislation in order to promote their application by the courts and administrative decision-making bodies.

Legislation

7. While noting the explanation of the State party that children's rights are mainstreamed as a result of the principle of sectoral accountability, the Committee is concerned that this is insufficient in terms of legal security and accountability, and, therefore, recalling its previous recommendations (see CRC/C/DNK/CO/4, para. 13), recommends that the State party, including the authorities in Greenland and the Faroe Islands:

(a) Take all measures necessary to ensure that legislation and administrative regulations throughout the territory of the State party conform fully with the principles and provisions of the Convention and the two Optional Protocols;

(b) Assess draft legislation in due course and evaluate it in terms of its impact on children;

(c) Consider drafting a comprehensive rights-based law on children encompassing all the rights under the Convention.

Comprehensive policy and strategy

8. The Committee recommends that the State party:

(a) Develop a comprehensive policy and a harmonized strategy for the full implementation of the Convention;

(b) Ensure that such comprehensive policy and strategy are rights based and are an integral component of national development planning, taking full account of the different regional contexts, particularly in the territories of Greenland and the Faroe Islands;

(c) Include in the harmonized strategy, specific time-bound and measurable goals and targets to effectively monitor progress in the enjoyment of all rights by all children and link it to national, sectoral and municipal strategies and budgets to

ensure appropriate allocation of the financial, human and technical resources required for its implementation.

Coordination

9. The Committee notes the State party's explanation about sector accountability with regard to the implementation of children's rights. The Committee reminds the State party, however, that for the sake of a comprehensive, structured and monitored implementation of all children's rights, it is important to establish a coordinating body that has principal responsibility for organizing, coordinating and evaluating the implementation, at sectoral level, of all aspects of the Convention, related strategies and child action plans. It therefore recommends that the State party consider such a single coordinating body at high interministerial level.

Allocation of resources

10. In view of recent spending cuts, including, inter alia, a 5-per-cent cut to child benefits, which will have a potentially negative impact on the implementation of the rights enshrined in the Convention, in particular those of children from low-income families, the Committee, with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, recommends that the State party refrain from implementing further cuts without having first carried out an assessment of the impact that austerity measures would have in areas that are directly and indirectly related to children's rights and repeal those measures that have a negative impact as soon as possible.

Data collection

11. The Committee urges the State party to strengthen statistical systems and analysis on the implementation of the Convention in the Faroe Islands and Greenland, and to ensure that data is systematically collected and used to inform policy and programmes in relation to poverty, violence and abuse. In general, it recommends that the State party continue to strengthen its capacity for the systematic collection and analysis of data disaggregated by, inter alia, age, sex and ethnic background for all areas covered by the Convention throughout its territory.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

12. While noting that discrimination is generally prohibited by law, the Committee recommends that the State party:

(a) Ensure that all children, including those attending boarding schools, or foreign children attending a temporary educational facility, have access to the standard educational system in accordance with the Act on Public Schools;

(b) In view of discrimination based on disability or sexual orientation being prohibited solely in relation to employment, adopt specific anti-discrimination legislation explicitly prohibiting discrimination in all areas against children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(c) Continue taking awareness-raising measures to combat all forms of discrimination against children from ethnic minorities, asylum-seeking, refugee or Roma children, children with disabilities, and lesbian, gay, bisexual, transgender or intersex children.

Respect for the views of the child

13. While noting with appreciation that many relevant pieces of legislation have strengthened the participation of children in decision-making, the Committee, with reference to its general comment No. 12 (2009) on the right of the child to be heard,

recommends that the State party ensure that legislation recognizing the right of the child to be heard applies to decision-making at all levels of education, notably at private primary and lower secondary schools, and that these schools are also made to adhere to the Public Administration Act as regards consulting the parties.

14. The Committee recommends that the State party ensure that the views of the child are always and adequately taken into account in child custody agreements so as to better protect them from the adverse effects of their parents' divorce or separation.

C. Civil rights and freedoms (arts. 7, 8 and 13-17)

Nationality

15. The Committee urges the State party to provide for the automatic granting of nationality to all children born in Denmark who would otherwise be stateless.

Right to know and be cared for by parents

16. The Committee recommends that the State party ensure that children who have been separated from their parents in their best interests or given up for adoption have the right to know, as far as possible, about their origins if they so wish.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and cruel or degrading treatment or punishment

17. While noting that the use of court-ordered solitary confinement of children in remand prison has decreased, the Committee urges the State party to abolish it.

Corporal punishment

18. While noting with appreciation that corporal punishment is unlawful, the Committee, in view of the reports that claim that violence against children within the family continues to occur, draws the State party's attention to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and recommends that the State party:

(a) Increase its efforts to raise awareness about the unlawfulness of violence against children, including corporal punishment, and adequately implement this prohibition, and, in collaboration with the media and the education sector, ensure that children are informed about their right to be free from violence;

(b) Promote positive, non-violent and participatory forms of child-rearing and discipline and provide support to parents who have problems with such duties.

Abuse and neglect

19. The Committee recommends that the State party:

(a) Increase when necessary the capacity of municipalities to identify cases of child abuse and to promptly and adequately cater to child victims;

(b) Further strengthen awareness-raising and education programmes — including campaigns — with the involvement of children, and formulate a comprehensive strategy for preventing and combating child abuse;

(c) Provide all the support necessary to parents who may be at risk of neglecting their children, with particular emphasis on the situation in Greenland.

Sexual exploitation and abuse

20. While welcoming the measures taken by the State party to prevent sexual abuse, including online sexual abuse, to provide rehabilitation to victims and to adequately punish the perpetrators, the Committee notes with serious concern that sexual abuse of children,

including online sexual abuse, prevails, with rates being particularly high in Greenland, and that:

(a) Children who testify in court in sexual abuse cases are still subjected to waiting periods;

(b) Professionals working with, or providing services to, children are not specifically trained in identifying child sexual abuse;

(c) Accessible information in Greenlandic for children on reporting sexual abuse is insufficiently available.

21. **The Committee urges the State party to increase its efforts to combat sexual exploitation and abuse, and recommends taking specific measures to combat the situation in Greenland, where sexual exploitation and abuse of children is reportedly particularly high. It also recommends that the State party:**

(a) **Expedite the court proceedings of sexual abuse cases involving child victims to reduce waiting periods for them to testify, and further expand the use of video questioning of child victims in sexual abuse cases;**

(b) **Continue the development of programmes and policies for the prevention, recovery and social reintegration of child victims by, inter alia, further increasing the number of children's houses, which constitute a very successful initiative;**

(c) **Ensure that professionals working, interacting or providing services to children are specifically trained in identifying cases of sexual abuse against children;**

(d) **Take prompt measures to ensure the availability of accessible information at all levels of school education and in media for children, including in Greenlandic and Faroese, on reporting sexual abuse.**

Gender-based violence

22. **In view of the results of a European Union-wide survey in 2014, according to which 46 per cent of women in Denmark had experienced some form of physical, sexual or psychological violence before the age of 15, and with reference to general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and target 5.2 of the Sustainable Development Goals on eliminating violence against all women and girls, including sexual and other types of exploitation, the Committee recommends that the State party:**

(a) **Take adequate awareness-raising measures, in cooperation with the media and the education sector, targeted at the public at large to promote positive, non-violent behaviour and to dismantle all notions about the inferiority of women and girls;**

(b) **Introduce mandatory elements at all levels of the school curriculum on the unacceptability of violence against women and girls.**

Bullying

23. **The Committee recommends that the State party continue to implement the national action plan concerning anti-bullying, and raise awareness on the harmful effects of bullying, with particular emphasis on cyberbullying and on how children can defend themselves against the latter. Mandatory elements should be introduced into the school curriculum at all levels of education on accepting diversity, conflict resolution skills and critical and safe use of the Internet, and the capacity of teachers and school personnel should be further strengthened in this regard. It also recommends that schools conduct special information sessions for parents on these issues.**

Harmful practices

24. **In view of ongoing surgical interventions on intersex children, the Committee recommends that the State party:**

(a) **Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination for the children concerned and provide families with intersex children with adequate counselling and support;**

(b) **Develop and implement a child rights-based health-care protocol for intersex children, setting out the procedures and steps to be followed by health teams;**

(c) **Undertake investigation of incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions in order to provide redress to the child victims of such treatment, including adequate compensation;**

(d) **Educate and train medical and psychological professionals on the range of sexual and related biological and physical diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.**

Helplines

25. **While welcoming the availability of helplines for children in mainland Denmark, Greenland and the Faroe Islands, the Committee recommends that the State party institutionalize the helplines, expand their availability to 24 hours and provide the necessary human, financial and technical resources for their effective functioning.**

E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Children deprived of a family environment

26. While noting with appreciation that the State party is allocating significant resources to preventive measures to avoid out-of-home placements of children and that there has been an increase in the number of children who cannot stay with their families in foster homes, the Committee, however, is concerned that:

(a) Many children who cannot stay with their families continue to be placed in alternative care institutions, especially children with disabilities;

(b) Children placed in alternative care institutions are often required to move from one institution to another;

(c) According to recent findings, the Municipality of Copenhagen made certain decisions on placing children into alternative care without a legal basis, without party consultation, without providing instructions on making a complaint, without an assessment of the child's right to contact and without an action plan for the child, and that such mismanagement in placing children in alternative care is, reportedly, also taking place in other municipalities;

(d) Children are not sufficiently heard in alternative care cases, including in Greenland;

(e) The living conditions in alternative care institutions may not always be in compliance with the Convention;

(f) While the use of restraint by staff in alternative care institutions may only be employed in exceptional circumstances, it is not strictly limited in practice, and children against whom restraint is used in foster homes have no access to complaints mechanisms.

27. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:**

(a) **Further support and facilitate family-based care and strengthen the foster care system for children who cannot stay with their families with a view to reducing their institutionalization, with particular attention being paid to children with disabilities;**

(b) **Ensure that children in alternative care institutions are not frequently moved from one institution to another;**

(c) **Increase the capacities of municipalities in implementing the safeguards and criteria for determining whether a child should be placed in alternative care;**

(d) **Ensure that children have the opportunity to be heard in these cases and that their views are given due weight, including in Greenland;**

(e) **Ensure that adequate human, technical and financial resources are allocated to relevant child protection services and alternative care centres in every municipality, in order to provide children therein with an adequate standard of living, remove any barriers to their positive development, such as overcrowding, and facilitate their rehabilitation and social reintegration of children to the greatest extent possible;**

(f) **Strengthen regulations on the use of restraint and adequately train staff in alternative care facilities, and establish anonymous and accessible complaints mechanisms in institutions, such as closed complaint boxes, to enable children residing in these facilities to report the use of excessive restraint or any other form of abuse;**

(g) **Increase regular, independent and unannounced checks of all types of institutions and foster homes and ensure the periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23-24, 26, 27 (1)-(3) and 33)

Children with disabilities

28. The Committee notes with concern that:

(a) Forced treatment and the use of restraint by staff in institutions remains legal under the State party's legislation;

(b) Current austerity measures have led to a relative reduction in support for disability-related extra costs, which may also have an impact on children with disabilities;

(c) Education is insufficiently inclusive, and the proportions of children with disabilities in primary school who take their final exams and those attending upper secondary education are significantly below the corresponding figures for children without disabilities;

(d) Public facilities, including schools, are not always fully accessible;

(e) Certain groups of deaf persons, in particular children born deaf who have cochlear implants, are reportedly prevented from learning and communicating in Danish sign language, as recently noted with concern by the Committee on the Rights of Persons with Disabilities (see CRPD/C/DNK/CO/1, para. 44).

29. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

(a) **Ensure that children with disabilities, including those with psychosocial and/or intellectual disabilities, are not, under any circumstances, forcibly hospitalized or institutionalized, but provided with assistance in a community care environment, and ensure that until this aim is achieved, those children who reside in an institution or psychiatric hospital are not, under any circumstances, subjected to excessive restraint;**

(b) **Commit to not making any further cuts to the budget that might infringe the rights of children with disabilities;**

(c) **Further increase comprehensive measures to develop inclusive education, prioritize inclusive education over the placement of children in specialized institutions and classes, and train and assign specialized teachers accordingly in integrated classes providing individual support and all due attention to children with learning difficulties, with a view to increasing the number of children with disabilities graduating from school to the same level as that of their peers without disability;**

(d) **Further increase the accessibility of public facilities, including schools;**

(e) **In line with the recommendation by the Committee on the Rights of Persons with Disabilities (see CRPD/C/DNK/CO/1, para. 45), recognize the right of all deaf children to have the possibility to learn and communicate in Danish sign language, regardless of the medical treatments that they have undergone;**

(f) **Speedily adopt the guidelines for the prevention and detection of violence and sexual abuse against children and young people with and without disabilities that are currently being developed.**

Mental health

30. **The Committee recommends that the State party:**

(a) **Increase efforts to address eating disorders, which seem to be particularly prevalent among girls, through, among other things, awareness-raising programmes and campaigns at school, and also encourage media outlets, including social media, to participate in such awareness-raising campaigns;**

(b) **Ensure that access to psychological assistance is not dependent on a family's economic means;**

(c) **Ensure that all professionals working with children are trained to identify and address early suicidal tendencies and mental health problems, placing a particular emphasis on the situation in Greenland, where, reportedly, the number of children having attempted suicide is relatively high;**

(d) **Ensure that the safeguards of the Psychiatry Act also apply to children under 15 years of age;**

(e) **Ensure that the diagnosis of children for attention deficit/hyperactivity disorder is rigorously performed, that research on the root causes of such disorders is carried out, that drugs are prescribed as a measure of last resort and only after an individualized assessment of the best interests of the child, that children and their parents are properly informed about the possible side effects of medical treatments and about non-medical alternatives, and that support is provided to initiatives aimed at the development of non-medical treatments for such disorders.**

Adolescent health

31. **The Committee recommends that the State party align its legislation on abortion in the Faroe Islands with that in mainland Denmark, with a view to ensuring equal access of girls to safe and legal abortion.**

Nutrition

32. **In view of the reports according to which the inhabitants of certain smaller settlements and towns in Greenland suffer from significant food shortages between**

January and May, which have a particularly negative impact on children from low-income families, the Committee recommends that the State party allocate adequate resources to ensure that all areas of Greenland have sufficient and healthy food reserves and to provide adequate benefits to low-income families to ensure that they can provide their children with sufficient and healthy food. In this regard, the Committee also recommends that the State party develop policies to ensure that healthy food choices are available and affordable in Greenland, and strengthen awareness-raising campaigns to promote the benefits of healthy eating for children.

Drug and substance abuse

33. **While noting with appreciation that alcohol consumption among children in mainland Denmark has decreased, the Committee recommends that the State party continue addressing the incidence of drug use by children and adolescents, with a particular emphasis on the situation in Greenland, by, inter alia, providing children and adolescents with accurate and objective information, as well as life skills education, on preventing substance abuse (including tobacco and alcohol), and develop accessible and youth-friendly drug dependence treatment and harm reduction services.**

Standard of living

34. While noting with appreciation that the standard of living in mainland Denmark is relatively high, and that the number of children at risk of poverty or social exclusion is relatively low compared with other European countries, the Committee notes with concern, however, that:

(a) In 2016, the State party abolished the poverty line that had been introduced in 2013, and also introduced a "cash benefit ceiling" and a rule according to which recipients of cash benefits needed to prove 225 hours of work in the course of the previous 12 months, and that the increase in poverty after the introduction of these measures risks having a particular impact on children of non-Western origin;

(b) Child poverty in Greenland and the Faroe Islands remains relatively high.

35. **The Committee draws the State party's attention to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all, and recommends that the State party:**

(a) **Reintroduce the 2013 poverty line, refrain from further restricting social benefits and allocate sufficient social benefits to prevent children from living in poverty, with a particular emphasis on children from a foreign background;**

(b) **Develop specific poverty reduction measures for children living in Greenland by tackling the high unemployment rates among family breadwinners;**

(c) **Conduct specific poverty-reduction measures for children living on the Faroe Islands, with a particular focus on single-parent families;**

(d) **Hold targeted consultations with families, children and children's rights civil society organizations on the issue of child poverty, with a view to strengthening the strategies and measures for combating child poverty.**

G. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

36. **With reference to its general comment No. 1 (2001) on the aims of education and taking note of target 4.1 of the Sustainable Development Goals on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee recommends that the State party:**

(a) **Ensure that children placed in alternative care have regular and adequate access to education at the same level as their peers who are not in alternative care;**

(b) **Significantly increase the number of qualified teachers in small towns and settlements in Greenland;**

(c) **Provide specific training to teachers to increase the support provided to children with Danish as a second language;**

(d) **In accordance with the recommendations by the Committee on the Elimination of Discrimination against Women (see CEDAW/C/DNK/CO/8, para. 28 (a)), intensify its efforts aimed at diversifying academic and vocational choices for women and men and girls and boys.**

Human rights education

37. **While noting that human rights education in primary and secondary school was strengthened following the school reform in 2014, the Committee draws the State party's attention to the World Programme for Human Rights Education, and recommends that the State party further step up its efforts to increase human rights education at all levels of education in all types of schools and also strengthen teacher training in this regard and refrain from adopting the proposed amendments to the "common goals" (Fælles Mål), which would shift human rights education from being a binding learning goal to being a guiding one. It also recommends that the State party introduce mandatory elements on the Convention into school curricula at all levels of education.**

Rest, leisure, recreation and cultural and artistic activities

38. **The Committee draws the State party's attention to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, and recommends that the State party increase the availability of sports activities for children in Greenland, ensure that existing activity centres are open during longer hours and that the training of staff therein is improved.**

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

39. The Committee welcomes the State party's integration efforts with regards to refugee children and their families, and notes the challenges connected to the high number of children who have arrived in the State party and the number of asylum applications granted. It notes with serious concern, however, that:

(a) Asylum-seeking families with children may, under certain circumstances, be detained awaiting deportation;

(b) Efforts to identify children in vulnerable situations whose life and safety, if deported, may be in peril are insufficient;

(c) Despite the recent granting by the Refugee Appeals Board of refugee status based on the risk of female genital mutilation in two cases, which the Committee notes with appreciation, safeguards to identify girls who are at such a risk are insufficient;

(d) The best interests of the child are not adequately assessed and taken into account in immigration cases;

(e) Accompanied children are currently not heard in the context of the asylum procedure;

(f) Children aged 15 or older do not have an automatic right to family reunification and thus their parents would not benefit from international protection in the

State party, and the right to family reunification is also postponed for three years for those benefiting from temporary subsidiary protection;

(g) Children and pregnant women who are not registered with the immigration authorities only have very limited access to health care other than emergency services;

(h) Children whose asylum claims have been rejected do not enjoy the same social protection as children legally residing in the State party.

40. **The Committee urges the State party to:**

(a) **Refrain from placing asylum-seeking children and their families awaiting deportation in detention;**

(b) **Put into place mechanisms to monitor the situation of vulnerable individuals and groups in receiving countries after their deportation, even in cases in which their return was voluntary, and act upon reports of torture and ill-treatment, including for the purpose of informing its asylum policies;**

(c) **Take specific measures and train law enforcement personnel, social workers and immigration personnel on the identification of victims or girls at risk of female genital mutilation in order to ensure that they are not, under any circumstances, subjected to refoulement, and also establish complaint mechanisms, including at airports, for girls who fear becoming victims of female genital mutilation;**

(d) **Ensure that the best interests of the child are a primary consideration in all decisions and agreements in immigration cases;**

(e) **Introduce interviews for accompanied children in the context of the asylum procedure;**

(f) **Take all necessary measures to guarantee the principle of family unity for children in need of international protection by, inter alia, increasing the age limit for children entitled to family reunification from 15 to 18 years, repealing the provision in the Alien Act according to which persons with temporary protection status cannot benefit from family reunification within the first three years, and providing effective access to embassies and consulates;**

(g) **Increase capacities and the number of personnel specialized in topics affecting children with mental health issues to ensure that asylum-seeking and refugee children are afforded full and adequate support and treatment to address the traumas and other mental health issues that they may be experiencing;**

(h) **Provide full access to health care beyond emergency care for unregistered children and unregistered pregnant women;**

(i) **Ensure equal access to social protection by children whose asylum claims have been rejected.**

Unaccompanied children

41. The Committee notes with concern that:

(a) Unaccompanied children may, under certain circumstances, be placed in detention when awaiting deportation and, as of age 17, they are not placed in the specialized children's asylum centres but in centres for adults. Unaccompanied siblings are accommodated according to their age and may thus be separated;

(b) Between 2014 and 2016, an increasing number of unaccompanied children went missing from asylum centres and may thus have become victims of sex trafficking;

(c) Unaccompanied children who are not found mature enough to undergo the asylum procedure do not have their applications processed until they are considered sufficiently mature.

42. **The Committee recommends that the State party:**

(a) **Ensure that children are not, under any circumstances, placed in detention, endeavour to place children in child-friendly accommodation under the child protection authorities instead of asylum centres and, in the meantime, ensure that all unaccompanied children are placed in specialized asylum centres for children and that siblings are not separated;**

(b) **Establish all the necessary safeguards, including sufficient surveillance personnel that are aware of the number and names of unaccompanied children in the asylum centres, to ensure that unaccompanied children do not go missing from such centres. The State party should increase its efforts to search for children who have already gone missing from the asylum centres, provide them with adequate protection and ensure that the perpetrators are adequately prosecuted and punished;**

(c) **Ensure that the asylum claims of children are speedily assessed by placing the greater burden of proof in determining refugee status on the immigration authorities if the child is considered insufficiently mature.**

Sale, trafficking and abduction

43. **While noting with appreciation the many efforts made by the State party to effectively combat child trafficking, including through the well-resourced Action Plan to Combat Trafficking in Human Beings launched in 2015, the Committee urges the State party to take effective measures to safeguard the rights of children in their territory, especially those of unaccompanied children, to ensure that they do not fall prey to trafficking. In so doing, the Committee urges the State party to:**

(a) **Continue its efforts to establish adequate and coordinated mechanisms for the identification and protection of child victims of trafficking, reduce bureaucracy and ensure systematic and timely information-sharing among relevant officials, and strengthen the capacity of police officers, border guards, labour inspectors and social workers to identify child victims of trafficking;**

(b) **Ensure that child victims are not, under any circumstances, treated as offenders, such as for migration offences, provide child victims with free legal aid and the support of child psychologists and social workers, including through the provision of adequate human, technical and financial resources, and ensure that all child victims have access to child- and gender-sensitive complaints mechanisms and to adequate procedures for seeking, without discrimination, compensation and redress;**

(c) **Ensure that children who cannot be guaranteed witness protection upon repatriation be guaranteed permission to reside in Denmark and receive protection. Access to shelter and a temporary residence permit for foreign child victims of trafficking should be granted during the investigation period by, inter alia, increasing application of the 2013 amendment to the Aliens Act permitting the issuance of such permits for victims of trafficking who do not have a legal status but who cooperate with the authorities and extending the 120-day period of recovery and reflection prior to deportation.**

Administration of juvenile justice

44. **While noting with appreciation that the proportion of children in conflict with the law has reduced, and welcoming the efforts made by the State party to prevent juvenile delinquency, including the initiatives aimed at strengthening youth resilience against extremism, contained in the national action plan on preventing and combating radicalization and extremism in October 2016, the Committee, with reference to its general comment No. 10 (2007) on children's rights in juvenile justice, urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **Speedily adopt and implement the system focusing on crime prevention for young individuals that the State party is currently considering to introduce (see CRC/C/DNK/Q/5/Add.1, para. 61), and fully integrate therein the United Nations**

Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) adopted by the General Assembly in its resolution 45/112 of 14 December 1990;

(b) Place emphasis on prevention policies that facilitate the successful socialization and integration of all children, in particular through the family, the community, peer groups, schools, vocational training and the world of work, as well as through voluntary organizations;

(c) In view of the current lack of any juvenile courts, expeditiously establish specialized juvenile courts and procedures with adequate human, technical and financial resources, designate specialized judges for children and ensure that such judges receive appropriate education and training;

(d) Promote non-judicial measures in the case of children accused of criminal offences, such as diversion, probation, mediation, counselling and community service, and, wherever possible, use alternative measures at sentencing, ensuring that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;

(e) Take the steps necessary to reduce the maximum prison sentence for children;

(f) In view of the Administration of Justice Act, currently allowing for the placement of children aged between 15 and 17 in pretrial detention for up to eight months, longer in exceptional circumstances, make legislative amendments to ensure that such detention is only used as a last resort and for the shortest possible period of time, not exceeding six months, and that it is reviewed on a regular basis with a view to withdrawing it;

(g) In the light of the abundant evidence that the placement of children in adult prisons or jails compromises their basic safety, well-being and their future ability to remain free of crime and to reintegrate, amend section 78 (2) of the Sentence Enforcement Act in order for children not to be placed in prison together with adults.

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography

45. While noting with appreciation the State party's efforts in implementing the Committee's recommendations from 2006 on the State party's initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (CRC/C/OPSC/DNK/CO/1), the Committee recommends that the State party:

(a) Ensure the speedy implementation of the Optional Protocol in the Faroe Islands and Greenland and submit specific information on progress in its next periodic report;

(b) Strengthen coordination at central and local levels and establish monitoring mechanisms for the periodic evaluation;

(c) Increase resources allocated to awareness-raising campaigns and develop training materials and courses for relevant professionals;

(d) Increase its efforts in combating the exploitation of children in the context of travel and tourism;

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol to the Convention on the involvement of children in armed conflict

46. While noting with appreciation the State party's efforts to implement the Committee's recommendations from 2005 on the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict (see CRC/C/OPAC/DNK/CO/1), the Committee recommends that the State party:

(a) Provide assistance for the physical and psychological recovery and social reintegration of children who may have been involved in armed conflict abroad;

(b) Continue to develop ongoing and systematic education and training on the provisions of the Optional Protocol for all relevant professional groups, in particular military personnel and peacekeepers.

I. Ratification of international human rights instruments

47. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

(a) The International Convention for the Protection of All Persons from Enforced Disappearance;

(b) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

J. Cooperation with regional bodies

48. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

IV. Implementation and reporting

A. Follow-up and dissemination

49. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. Next report

50. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 17 August 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

51. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.